

1 James I. Stang (CA Bar No. 94435)
Brittany M. Michael (*Pro Hac Vice*)
2 Gail Greenwood (CA Bar No. 169939)
Gillian N. Brown (CA Bar No. 205132)
3 PACHULSKI STANG ZIEHL & JONES LLP
One Sansome Street, 34th Floor, Suite 3430
4 San Francisco, California 94104-4436
Telephone: 415-263-7000
5 Email: jstang@pszjlaw.com
bmichael@pszjlaw.com
6 ggreenwood@pszjlaw.com
gbrown@pszjlaw.com

7
8 Attorneys for the Official Committee of
Unsecured Creditors

9 **UNITED STATES BANKRUPTCY COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 In re

13 THE ROMAN CATHOLIC ARCHBISHOP
OF SAN FRANCISCO,

14 Debtor.
15
16
17
18

Case No. 23-30564

Chapter 11

**THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS' MOTION
FOR AN ORDER AUTHORIZING THE
FILING OF A REDACTED LETTER TO
THE COURT RE MOTION TO COMPEL;
DECLARATION OF GILLIAN N.
BROWN IN SUPPORT**

[No Hearing per Local Procedures]

19 **TO THE COURT AND INTERESTED PARTIES:**

20 The Official Committee of Unsecured Creditors (the "Committee") of the Roman Catholic
21 Archbishop of San Francisco (the "Debtor") brings this motion to redact information in a letter
22 (the "Letter Motion") addressed to the Court seeking an order to compel the Debtor to produce
23 documents. The Committee files the Letter Motion pursuant to the procedure set forth at paragraph
24 10 of the *Order Referring Case to Mediation and Appointing Mediators* [Doc. No. 747] (the
25 "Mediation Order"), which provides for for filing and service of a letter not to exceed five pages.
26 The Letter Motion contains information discussed during mediation on November 25, 2024 and
27 subject to the confidentiality provisions of the Mediation Order. In addition, the Letter Motion
28

1 contains information derived from documents that the Debtor and other parties produced during
2 this case that the producing parties marked as “Confidential” pursuant to the *Stipulated Protective*
3 *Order* dated December 15, 2023 [Docket No. 374] (the “Stipulated Protective Order”). The
4 Committee seeks authority to file Letter Motion in redacted form on the public docket to maintain
5 the confidentiality provisions under the Mediation Order and the Stipulated Protective Order.

6 The Committee brings this Motion pursuant to the Mediation Order, the Stipulated
7 Protective Order, 11 U.S.C. § 107, Bankruptcy Local Rule 1001-2(a) (incorporating Civil Local
8 Rule 79-5), and the local sealing and redacting procedures adopted by this Court (the “Local
9 Procedures”).¹ The Motion is supported by the accompanying declaration of Gillian N. Brown (the
10 “Brown Decl.”). *See Exhibit 1.* A proposed form of order granting the relief requested is uploaded
11 concurrently with the filing of this Motion in accordance with the local district procedures and is
12 attached to this Motion as **Exhibit 2.**

13 Pursuant to the Local Procedures, **within four court days of the filing of this motion, any**
14 **party may file a declaration in support of or in opposition to the sealing motion.** *See* Local
15 Procedures, ¶ II.B(4).

16 **I. RELEVANT BACKGROUND**

17 The Committee’s Letter Motion is a motion to compel the Debtor’s production of specific
18 documents relating to potential avoidance actions. On November 25, 2024, the Committee and the
19 Debtor discussed these document requests in detail with the three mediators in this case, thereby
20 rendering this discussion subject to the mediation confidentiality provisions of the Mediation
21 Order. In addition, the Letter Motion refers to information the Committee learned during its
22 professionals’ review of documents that the producing parties marked as “Confidential” pursuant
23 to the Stipulated Protective Order. The Committee has redacted those portions of the Letter
24 Motion that are based on information discussed during mediation and obtained from documents
25 marked as “Confidential.”

26
27 ¹ *See Procedures for Filing Redacted or Sealed Confidential or Highly Sensitive Documents* adopted by the
28 United States Bankruptcy Court for the Northern District of California;
<https://www.canb.uscourts.gov/procedure/district/procedures-filing-redacted-or-sealed-confidential-or-highly-sensitive-documents>

1 **II. JURISDICTION**

2 The Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157(b) and 1334(b)
3 because this is a proceeding arising in or related to a case under the Bankruptcy Code and Federal
4 Rules of Bankruptcy Procedure. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue
5 is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

6 **III. RELIEF REQUESTED**

7 Pursuant to 11 U.S.C. §107(b) (“Section 107(b)”), Federal Rule of Bankruptcy Procedure
8 9018, Local Bankruptcy Rule 1001-2(a) (incorporating Civil Local Rule 79-5), and the Local
9 Procedures adopted by this Court, the Committee requests authority to file its Letter Motion with
10 redactions, solely in order to comply with the Mediation Order and the Stipulated Protective
11 Order. The Committee seeks entry of an order substantially in the form attached hereto as
12 **Exhibit 2.**

13 **IV. LEGAL ARGUMENT**

14 **A. Mediation Communications Are To Be Kept Confidential**

15 Paragraph 9 of the Mediation Order provides in pertinent part that, “The provisions of
16 Local Rule 9047-1 pertaining to the “Confidentiality” of the Bankruptcy Dispute Resolution
17 Program shall govern the Mediation. . . .” Local Rule 9047-1, in turn, provides for the non-
18 disclosure of oral and written communications made in connection with a mediation. On
19 November 25, 2024, counsel for the Committee discussed the subject matter of the Letter Motion
20 with Debtor’s counsel and the three mediators in this case. *See* Brown Decl., ¶3. Accordingly, the
21 Committee seeks to maintain the confidentiality of those mediation discussions by filing a
22 redacted version of the Letter Motion on the docket to redact those communications.

23 **B. Confidential Documents Must Be Filed Under Seal.**

24 1. In addition, the Stipulated Protective Order governs the designation of documents
25 as “Confidential” pursuant to Section 107(b), Bankruptcy Rule 7026 or 9018. Section 107(b) and
26 Bankruptcy Rule 9018 each provide that, upon request, the Court may protect an entity with
27 respect to a trade secret or other confidential research, development, or commercial information.
28

1 Pursuant to the Stipulated Protective Order, documents marked as Confidential and any
2 information derived therefrom must be filed under seal unless the receiving party obtains an order
3 relieving it from the obligations of the Stipulated Protective Order pursuant to specified challenge
4 provisions. *See* Docket No. 374 at ¶21. Because the mediation confidentiality protects the subject
5 matter of the Letter Motion, the Committee did not request that the parties remove the
6 confidentiality designations of the documents at issue. The Committee does not waive its rights to
7 challenge those confidentiality designations at a later time.

8 The Ninth Circuit recognizes that documents subject to a valid protective order may be filed
9 under seal. *See Philips v. Gen. Motors Corp.*, 307 F. 3d 1206, 1213 (9th Cir. 2002). However, a
10 strong presumption remains in favor of public access such that documents may be unsealed absent
11 a showing that the documents should be protected. *Id.* (presumption of access to judicial
12 documents can be overcome only by showing “sufficiently important countervailing interests;”
13 citing authorities); *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1176 (9th Cir. 2006)
14 (“The [district] court reserves the right to unseal materials filed under seal if, upon reviewing the
15 sealed materials, the court determines that they should be available to the public or otherwise do
16 not merit sealed status;” affirming order unsealing documents).

17 **C. The Committee Only Redacted Information Derived from Communications**
18 **During Mediation and from the Alleged Confidential Documents.**

19 The Committee’s request to file the Letter Motion in redacted form is narrowly tailored to
20 protect the information derived from communications during mediation and from the Alleged
21 Confidential Documents. Information that is available publicly or is not subject to protection has
22 not been redacted.

23 **V. NOTICE**

24 Notice of this motion will be provided to (a) the United States Trustee and all email
25 recipients on the Limited Service List as of April 30, 2025 [Docket No. 1173]. The Committee
26 submits that no further notice is required.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VI. CONCLUSION

The Committee respectfully requests that the Court enter the proposed order, attached as Exhibit 2, authorizing the Letter Motion to be filed with redactions to protect information discussed during mediation and derived from the Alleged Confidential Documents.

Dated: May 19, 2025

PACHULSKI STANG ZIEHL & JONES LLP

By /s/ Gillian N. Brown
James I. Stang
Brittany M. Michael
Gail S. Greenwood
Gillian N. Brown

Attorneys for the Official Committee of
Unsecured Creditors

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1
Declaration of Gillian N. Brown

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

3

4
5
6
7
8
9
10
11

12
13
14
15
16

17
18
19
20
21
22
23

24
25

28

1 information derived from documents produced to the Committee as “Confidential” under the
2 Stipulated Protective Order.

3 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
4 and correct to the best of my knowledge and belief.

5 Executed on May 18, 2025 in Ventura, California.

6
7 By: /s/ Gillian N. Brown
8 Gillian N. Brown
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 2

1 James I. Stang (CA Bar No. 94435)
Brittany Mitchell M. Michael (*Pro Hac Vice*)
2 Gail S. Greenwood (CA Bar No. 169939)
Gillian N. Brown (CA Bar No. 205132)
3 PACHULSKI STANG ZIEHL & JONES LLP
One Sansome Street, 34th Floor, Suite 3430
4 San Francisco, California 94104-4436
Telephone: 415-263-7000
5 Email: jstang@pszjlaw.com
bmichael@pszjlaw.com
6 ggreenwood@pszjlaw.com
gbrown@pszjlaw.com

7
8 Attorneys for the Official Committee of
Unsecured Creditors

9 **UNITED STATES BANKRUPTCY COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 In re
13 THE ROMAN CATHOLIC ARCHBISHOP
OF SAN FRANCISCO,
14
15 Debtor.

Case No. 23-30564

Chapter 11

**ORDER GRANTING THE OFFICIAL
COMMITTEE OF UNSECURED
CREDITORS' MOTION FOR AN ORDER
AUTHORIZING THE FILING OF A
REDACTED LETTER TO THE COURT
RE MOTION TO COMPEL**

18 The Court has reviewed *THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS'*
19 *MOTION FOR AN ORDER AUTHORIZING THE FILING OF A REDACTED LETTER TO THE*
20 *COURT RE MOTION TO COMPEL* [Docket No. [REDACTED]] ("Motion") and supporting declaration of
21 Gillian N. Brown filed by the Official Committee of Unsecured Creditors (the "Committee").
22 Based upon the record before the Court, including the accompanying Letter Motion (as defined in
23 the Motion); and pursuant to 11 U.S.C. § 107, Bankruptcy Rule 9018, Bankruptcy Local Rule
24 1001-2(a) (incorporating Civil Local Rule 79-5), the Local Procedures, and for good cause,
25

IT IS HEREBY ORDERED:

- 26 1. The Motion is GRANTED.
27
28

2. An unredacted version of the Letter Motion shall remain sealed and shall become part of the Court record absent further order of this Court. The Clerk of the Court will annotate the original docket entry as follows: PROPOSED SEALED DOCUMENT APPROVED – REFER TO DOCKET ENTRY #__.
3. Nothing precludes an interested party, including the Committee, from seeking to unseal those portions of Letter Motion by separate motion.
4. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

#####